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VIA ECF

February 3, 2020

United States Magistrate
Honorable Ramon E. Reyes, Jr.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Maria Rajacic v. Costco Wholesale Corporation
OUR FILE: 4887
Case No.: 1:18-CV-4212

Dear Honorable Magistrate Reyes:

This Firm represents the above named plaintiff.

Please accept this letter correspondence as a formal request for the Court to schedule a conference to update Your Honor on the issues in the case and issue a discovery schedule order.

Briefly, plaintiff commenced this action in State Supreme Court. On or about July 25, 2018, defendant Costco filed a notice of removal with this Court. **(See, attached case history)**

On or about August 15, 2018, Your Honor held an initial conference. The Court issued an initial discovery order. The Court requested medical documentation confirming plaintiff's injury. As such, plaintiff underwent diagnostic tests.

On October 18, 2018, a telephone conference was held with the Court. At that time, the Court was updated on the plaintiff's injuries. Plaintiff was set to undergo further diagnostic tests.

Since we had not received the additional diagnostic test reports, by letter dated January 8, 2019, all parties respectfully requested an adjournment of the conference scheduled for January 16, 2019, which was granted. Your affirmant and defendant's attorney were engaged in negotiations to settle.

Based on the diagnostic tests and records through late 2018, by letter dated January 21, 2019, plaintiff agreed to cap damages at \$74,999.99. As a result, on or about January 22, 2019, Your Honor issued an Order to Remand the case to State Supreme Court. **(See, Case History)**. Plaintiff, Ms. Rajacic, rejected an offer to settle made by defendant.

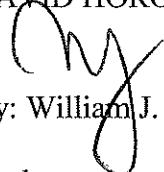
From January 22, 2019 through the present time, plaintiff has continued to undergo treatment at the Healthcare Associates in Medicine Facility for her leg, ankle and head injury stemming from the Costco fall. After an October 22, 2019 visit with Dr. Reilly, her orthopedic treating physician, he indicated in his records that plaintiff was suffering from a “permanent soft tissue injury from her fall.” As such, Ms. Rajacic, does not consent to cap damages at \$74,999.99. This was communicated to defendant’s attorney.

In response, on or about December 4, 2019, defendant once again filed a notice of removal.

In light of the above history, all parties respectfully request that this Court schedule a conference to discuss this matter further and if satisfactory with the Court, set a discovery schedule for the parties to continue and complete discovery.

Thank you for considering this application.

Respectfully submitted,
DAVID HOROWITZ, P.C.


By: William J. Sanyer

Enclosure

CC: CONNORS & CONNORS, P.C.
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1:18-cv-04212-DLI-RER Rajacic v. Costco Wholesale Corporation

Dora Lizette Irizarry, presiding

Ramon E. Reyes, Jr, referral

Date filed: 07/25/2018**Date terminated:** 01/25/2019**Date of last filing:** 12/05/2019**History**

Doc. No.	Dates	Description
<u>17</u>	<i>Filed & Entered:</i> 12/05/2019	☉ Notice of Appearance
<u>18</u>	<i>Filed & Entered:</i> 12/05/2019	☉ Jury Demand
<u>13</u>	<i>Filed & Entered:</i> 12/04/2019	☉ Notice of Removal
<u>14</u>	<i>Filed & Entered:</i> 12/04/2019	☉ Corporate Disclosure Statement
<u>15</u>	<i>Filed & Entered:</i> 12/04/2019	☉ Proposed Summons/Civil Cover Sheet
<u>16</u>	<i>Filed & Entered:</i> 12/04/2019	☉ Notice(Other)
	<i>Filed & Entered:</i> 01/25/2019	☉ Order of Remand to State Court
	<i>Filed & Entered:</i> 01/22/2019	☉ Order
<u>12</u>	<i>Filed & Entered:</i> 01/22/2019	☉ Letter
<u>11</u>	<i>Filed & Entered:</i> 01/21/2019	☉ Letter
	<i>Filed & Entered:</i> 01/09/2019	☉ Order on Motion to Adjourn Conference
<u>10</u>	<i>Filed & Entered:</i> 01/08/2019 <i>Terminated:</i> 01/09/2019	☉ Motion to Adjourn Conference
<u>9</u>	<i>Filed & Entered:</i> 10/23/2018	☉ Notice of Appearance
	<i>Filed & Entered:</i> 10/18/2018	☉ Telephone Conference
	<i>Filed & Entered:</i> 10/18/2018	☉ Notice (Other)
<u>8</u>	<i>Filed & Entered:</i> 10/17/2018	☉ Notice of Appearance
	<i>Filed & Entered:</i> 08/15/2018	☉ Notice (Other)
	<i>Filed & Entered:</i> 08/15/2018	☉ Initial Conference Hearing
<u>7</u>	<i>Filed & Entered:</i> 08/15/2018	☉ Notice of Appearance
<u>6</u>	<i>Filed & Entered:</i> 08/14/2018	☉ Case Management Statement
	<i>Filed & Entered:</i> 08/08/2018	☉ Set/Reset Hearings
<u>5</u>	<i>Filed & Entered:</i> 07/30/2018	☉ Jury Demand
<u>4</u>	<i>Filed & Entered:</i> 07/27/2018	☉ Scheduling Order
	<i>Filed & Entered:</i> 07/25/2018	☉ Filing Fee Received
<u>1</u>	<i>Filed & Entered:</i> 07/25/2018	☉ Notice of Removal
<u>2</u>	<i>Filed & Entered:</i> 07/25/2018	☉ Corporate Disclosure Statement
<u>3</u>	<i>Filed & Entered:</i> 07/25/2018	☉ Clerks Notice of Rule 73

PACER Service Center**Transaction Receipt**

02/03/2020 17:15:14			
PACER Login:	Wjswlawyerpacer1	Client Code:	maria rajacic
Description:	History/Documents	Search Criteria:	1:18-cv-04212-DLI-RER
Billable Pages:	1	Cost:	0.10